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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,065	02/18/2005	Zamir Manor	MANOR12	5816
1444	7590	05/16/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			HARTMANN, GARY S	
624 NINTH STREET, NW			ART UNIT	
SUITE 300			PAPER NUMBER	
WASHINGTON, DC 20001-5303			3671	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,065

Applicant(s)

MANOR, ZAMIR

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/4/5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-7, 9, 10, 13-15, 17-19, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Wirtgen (German Patent 26 50 487).

Wirtgen discloses an apparatus including a chassis (Figure 1), heating source (6) and a driven rotatable brush (13).

The heating source is directed toward the road marking and is optionally powered by fuel or electricity.

The heating source is adjustable by a vertical adjustable means (7).

Regarding claims 9 and 10, note that the claims lack structure with respect to the "adapted for attaching." It is deemed that the chassis could be attached to a front of a vehicle and that it could be displaceable in a direction transverse to a vehicle.

There are wheels (2, 3).

The pressure adjustment means meet the recitation of springs.

The brush could be replaced.

Method claim 24 is disclosed. Because the step of "indirectly" applying heat is an option only, method claim 25 does not further limit claim 24. In other words, in order for the

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limitations of claim 25 to be considered as further limiting claim 24, the step of indirectly applying heat would have to be a positive recitation, not an option as designated by the term "or."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 12, 16 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirtgen, as applied above.

Wirtgen does not teach applying heat to the bristles; however, this technique is known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied heat to the bristles in order to better suit a particular application; for example, in order to minimize damage to the remainder of the pavement structure.

Regarding claims 11 and 12, it is well known to use machines associated with roadway material removal as optionally a self propelled unit or a unit attached to a vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the system of Wirtgen with the latter in order to decrease costs of the apparatus. Given this configuration, the limitations of claims 11 and 12 would have been obvious to one of ordinary skill in the art at the time the invention was made to have used in order to efficiently transport the apparatus.

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Regarding claim 16, it is well known to use chimneys to remove gases in order to increase worker safety. For this purpose, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a chimney with Wirtgen.

Regarding claims 20-23, it is well known to attach brushes to earth working machines in order to clean debris from a work area. For this purpose, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an additional brush with Wirtgen. Given this configuration, it is deemed that the bristles would inherently be different, since they would function for a completely different purpose. Regarding claim 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the brushes spin in opposing directions in order to remove debris as desired.

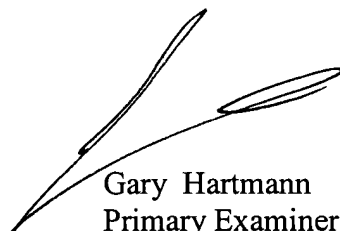
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Monday through Thursday, 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Hartmann
Primary Examiner
Art Unit 3671

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